

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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March 4, 2020

VIA ECF

Honorable Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: *United States v. Saipov*,
(S1) 17 Cr. 722 (VSB)**

Dear Judge Broderick:

We write to respectfully request that the Court recommend to the Bureau of Prisons that a SAMs-compliant social call be arranged for Mr. Saipov as expeditiously as possible.

Nothing in the Special Administrative Measures prevent the relief we seek: The SAMs set a minimum of one phone call per month between Mr. Saipov and his immediate family members, and otherwise delegate the quantity and length of the calls to the discretion of the U.S. Marshals Service, BOP, and the MCC. *See* SAMs Section 3(a)(ii) (specifying only that Mr. Saipov receive a minimum of one phone call per month). However, Mr. Saipov's social call privileges have been suspended for 90 days, and therefore he would not ordinarily be granted a call until approximately mid-April. As such, we respectfully request that the Court recommend to the MCC that it consider the unique circumstances here, and arrange a 15-minute social call with Mr. Saipov's wife and children as soon as possible.

As the Court is aware, Mr. Saipov was unable to have a previously-approved family visit last week, even though his wife and children had traveled from out-of-state in anticipation of seeing him. As the MCC continues to be shut down to all forms of visitation, and it is unclear when his family can feasibly return to New York, we do not know when the visit can be rescheduled.

MCC's supervisory attorney, Nicole McFarland, committed to providing the Court with an update about the status of MCC's visitation by noon yesterday (*see* Conf. Tr. at 17-18 (Mar. 2, 2020)), but we are unaware of any information being provided to the Court.

The unusual nature of this situation merits the relief we seek. Mr. Saipov is a capital defendant who was denied one of the few in-person visits that are able to be arranged every year. As a consequence, despite his trial commencing in less than two months, he is unable to continue developing an important mitigating factor -- his sustained family ties.

Finally, the Court is fully within its discretion to recommend that the MCC grant this social call. *See, e.g., United States v. Alimehmeti*, S1 16 Cr. 398 (PAE), ECF No. 139 (Order recommending BOP's accommodation of social visit), attached as Exhibit A. The government does not object to this request.

Respectfully submitted,

/s/ David Patton, Esq.

David Patton, Esq.

Counsel for Sayfullo Saipov

cc: Government counsel
Nicole McFarland, Esq.